REMARKS/ARGUMENTS

    1.   Claims 1-5 are stated to be allowable.
Claim 6 is rejected under §103(a) as unpatentable over AAPA
in view of the Iuoras et al. (Iuoras) patent. Examiner is
thanked for clarification of the meaning of AAPA, which
will be understood hereafter. The §103(a) basis for
rejection is traversed, because there is no proper nexus
for Examiner's suggested combination of AAPA with Iuoras.

    More specifically, the Background of the
Invention of the application recites

> "While Asynchronous Transfer Mode protocols
> provide for bandwidth control by setting of
> one of the various EFCI, CI, and Relative
> rate bits of the Resource Management cells,
> existing spacecraft have <u>simple switches
> which are incapable of setting bandwidth
> control bits</u>. Because of cost
> considerations, even new spacecraft may not
> be equipped with switches which have
> bandwidth control bit setting capability.
>   It would be <u>desirable to be able
> to extend ATM ABR service to spacecraft with
> simple switches</u>."

Thus, the basis on which a person skilled in the art would
follow the suggestion of the Background would exclude
references to spacecraft in which the switches are capable
of setting the bandwidth control bits for congestion
control. Examination of the Iuoras patent reveals that its
spacecraft does in fact use switches capable of setting the
congestion control bits. As stated at column 6, lines 21-

56 of Iuoras

"Efficiency in supporting d [sic] traffic is
ensured by subjecting the ABR traffic to
congestion/flow control. ATM Forum has adopted rate-
based schemes as standard for congestion control for
ABR services.   In a rate-based scheme the sources are
provided with feedback information from the switches
(reflecting their loading conditions), specifying the
rates at which they can send their traffic.   The ATM
Traffic Management Specification V4.0 (TM4.0) defines
strict rules concerning source and destination
behavior, while for the switch behavior a few options
are recommended and only coarsely specified.   One of
these options, namely the Explicit Rate Indication for
Congestion Avoidance (ERICA) algorithm, has gained
popularity in the past years, especially for
terrestrial networks [see U.S. Pat. No. 5,805,577
entitled "ERICA: Explicit Rate Indication for
Congestion Avoidance in ATM Networks" by Jain et al].

ERICA algorithm is concerned with fair and
efficient allocation of network resources to all
contending sources, while preventing buffer overflow
and excessive loss (or delay) of packets.   This is
basically achieved by controlling transmission rates
in order to reduce the flow of traffic entering the
network.   ERICA relies on monitoring of the cell
arrival rates (as a primary metric) for ABR and higher
priority traffic and the available capacity for ABR
traffic, which is then used to periodically calculate
(every averaging interval) the fair share and the
Explicit Rate (ER) at which each terminal is allowed
to send its traffic.   The ERs (one for each ABR

virtual connection) <u>are signaled to the sources by
using Resource Management (RM) cells. . . ."</u>

Thus, the Iuoras reference determines congestion
at the switches in the spacecraft, and sets the Resource
Management cells. This is what the AAPA excludes from the
universe of technologies which should be looked to.
Consequently, a person skilled in the art would <u>bypass</u>
Iuoras when seeking art for combination with AAPR. This
negates the possibility of a proper nexus for Examiner's
suggested combination of AAPA with Iuoras. In the absence
of a proper nexus for Examiner's suggested combination of
references, the suggested combination cannot be made, and
the §103 rejection fails.

Claim 6 is patentable in a 35 U.S.C. §103(a)
sense over Examiner's suggested combination of references.

2.   Minor corrections to the specification are
made. It is believed that these errors and the correct
language are self-evident from the context, and that no new
matter is added.

3.   Reconsideration and allowance are requested
of claim 6, in addition to already-allowed claims 1-5.

4.   No fee is believed to be required for this amendment.   Please charge any other fees to deposit account 50-2061.

                                              FOR THE APPLICANT(S)

                                       by_____
                                              Paul A. Schwarz
                                              Attorney for Applicant
                                              Reg. No. 37,577

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Duane Morris LLP
P.O. Box 5203
Princeton, NJ   08543-5203
609-631-2446